

**MINUTES OF A MEETING OF THE BOARD OF APPEALS
July 12, 2012**

Chairperson Harvey Kaye called the meeting to order at 7:30 p.m. Board Members present: Vice Chair Victor Macdonald, Board Members Carol Rieg, Robert Chiswell, and Aaron Kotok. Staff present: Caroline Seiden, Planner, Trudy Schwarz, Community Planning Director, Kirk Eby, GIS Planner and William Chen, Attorney to the Board of Appeals.

I. APPROVAL OF MINUTES

Approval of the June 14, 2012 Minutes

Motion was made by Vice Chair Macdonald, seconded by Board Member Rieg, that the minutes of the June 14, 2012 Board of Appeals meeting be approved.

Vote: 4-0-1; Approved (Abstain: Rieg)

II. CONTINUANCE OF DELIBERATIONS - SPECIAL EXCEPTION

A-549 – Steven Resnick for Verizon Wireless (Continued from the March 28, 2012 Board of Appeals meeting.)

The application requests a Special Exception to permit the construction of a Telecommunications Facility consisting of twelve (12) panel antennas, to be attached to the existing Pepco tower 86S on a Fort Worth power mount, as well as a ground equipment shelter and related equipment, within the Pepco right of way northwest of the intersection of Travis View Court and Travis Avenue, Gaithersburg, Maryland. The property is located in the R-A (Low Density Residential) Zone, with the proposed use allowed by Section 24-25(11) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code) subject to the review of the Board of Appeals.

Chair Kaye reviewed the status of deliberations on the special exception, noting that the Board had already addressed many areas, but had stopped deliberating to receive additional information on several matters, including compliance with the Master Plan, the number of antennas upon which data presented was based, and alternative landscape plans.

All Board members agreed that the applicant had submitted sufficient evidence into the record to demonstrate compliance with the City's Master Plan. Next, Chair Kaye addressed the issue of the number of antennas upon which data presented was based. He expressed his concern that Exhibits #381 and #385, the declarations of engineers for the applicant and the respondent, were attempts to put additional information into the record. Chair Kaye suggested that these exhibits be stricken from evidence and all Board members agreed. The Board concurred that the evidence of record shows that 12 antennas, not 15, was the basis for analysis and that Verizon had adequately addressed the issue regarding the number of antennas.

Next, the Board reviewed two alternative landscape plans that the applicant had submitted at the Board's request and agreed that both plans were preferable to the initial plan submitted at the time of filing. The Board expressed its preference for the landscape plan shown in Exhibit #332 (E) because there is more landscaping between the equipment building and the roadway and because the equipment building has been moved further away from the roadway. The Board agreed that the full set of plans included as Exhibit #332 (A-L) were the preferred plans for the facility. The Board next addressed objections raised by the respondent, Lakeforest Glen Homeowners Association, and provided comments for inclusion in a resolution.

The Board crafted several conditions, including conditions related to the maintenance plan shown and landscaping note #3 on Exhibit #332 (E).

Motion was made by Board Member Macdonald, seconded by Board Member Chiswell, to direct staff to draft a Resolution of Approval with the conditions, as discussed.

VOTE: 5-0; Approved

Motion was made by Board Member Kotok, seconded by Vice Chair Macdonald to extend the time allowed to decide Special Exception A-549 until August 23, 2012.

VOTE: 5-0; Approved

The Board announced that the next meeting to review a draft Resolution of Approval regarding A-549 would be scheduled for Friday, August 17, 2012.

III. **ADJOURNMENT**

There being no more business to come before this meeting of the Board of Appeals, the meeting was adjourned at 9:15 p.m.